



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion Regarding Kristmont Acres Lighting and Sidewalk Issues

**MEETING DATE:** October 15, 2003

**PREPARED BY:** Electric Utility Director and Public Works Director

**RECOMMENDED ACTION:** That the City Council provide direction on Kristmont Acres lighting and sidewalk issues.

**BACKGROUND INFORMATION:** During the regular Lodi City Council meeting of October 1, 2003, numerous residents from the Kristmont Acres area of Lodi voiced concerns regarding the proposed installation of streetlights in their neighborhood. In response to their issues, the City Council instructed staff to provide the following overview of the City's streetlight installation process.

In the spring of 1999, the Electric Utility Engineering division conducted a city-wide Streetlight Evaluation. The study, which concluded in late 1999, revealed numerous streets and sections of town with no streetlights. The evaluation also determined that in order to sufficiently illuminate these streets, the City would need to install approximately 1,000 to 1,200 new streetlights. As a result of this 1999 assessment, the City Council approved, and the Electric Utility Department implemented, the current Streetlight Completion Program.


The following summer (June 2000), engineering and construction began on Phase One of the Streetlight Completion Program. Phase Two followed shortly after the completion of Phase One in 2001, with approximately 200 new streetlights being installed. Phase Three was completed in June of this year, with 285 new streetlights installed. As of October 1, 2003, Phase Four entered the final engineering stages, with a proposed installation of 300 new streetlights. Once Phase Four is done, the Streetlight Completion Program will be nearly seventy percent complete.

The primary purpose of the Streetlight Completion Program is to enhance public safety, particularly in the evening hours, by improving visibility of vehicle and pedestrian traffic. In addition, the program aids police, fire and ambulance response capabilities, by improving night vision. Streets serving schools, commercial property and public facilities have been given first priority for new streetlights, followed by any and all residential streets that currently have no streetlights.

The City has adopted basic requirements and policies for the installation of new streetlight systems. To maintain continuity of the various existing streetlights, selection of new light standards and luminaires must be consistent with streetlights already in place on adjacent neighborhood streets. The design and installation of the new streetlights must conform to standards approved by the Electric Utility Director. As part of the design process, residents and property owners were notified by mail. Copies of two typical letters are attached (Exhibits A and B). In addition, we have attached a map that highlights (streets are identified with **dark lines**) those roads targeted for streetlights under the current Phase Four of the Streetlight Completion Program (Exhibit C).

Regarding the installation of streetlights in Kristmont Acres, the Electric Utility staff would defer to the City Council for direction. At this time, **no** new streetlights have been purchased for the Kristmont Acres area. In the current Phase Four of this program, approximately 300 streetlights (including Kristmont Acres) are scheduled for installation.

**APPROVED:**

  
H. Dixon Flynn -- City Manager

In addition to concerns expressed by some residents over street lights, two other issues have been raised. One is the installation of sidewalks, and the other has to do with past agreements concerning street light and sidewalks that some residents have stated prevents the owners from speaking out on this subject.

This subdivision was built in the late 1950's and was developed without sidewalks or street lights. For decades, the City has required that public improvements be installed in conjunction with on-site development that exceeds a certain value (LMC §15.44). (This ordinance and its predecessors, date back to at least 1978). The value is indexed to inflation and currently is at \$32,400. The value was originally set to not include minor remodeling or other improvements but to include major projects, including most in-ground swimming pools. The required public improvements include sidewalk and street lights.

More recently, the City Council directed that the City install sidewalk at miscellaneous locations where there are gaps at individual lots, as was the case on Turner Road in 1999 which prompted this direction. Given the nature of the Turner Road decision, staff has interpreted this to not include City installation with development projects.

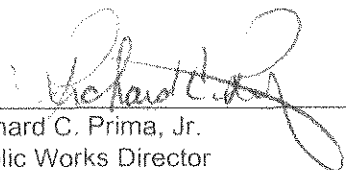
Often, the installation of these improvements fronting a single parcel development would be unreasonable or inappropriate at the time, and the City provides for "deferral agreements" in which the owner agrees to install them at a later date when requested by the City. This has been the case for Kristmont Acres.

In the specific case of street lights, at the time the off-site improvement ordinance was adopted, the practice was to use assessment districts to install the lights within a neighborhood, since the benefit is more general than one individual parcel. Thus the "standard" deferral agreement included language that the owner would participate in such a district.

We have about six of these agreements in the Kristmont Acres area as listed in Exhibit D, and an example is attached (Exhibit E). Section 1 of the agreement covers sidewalk installation and Section 2 discusses street lights and the potential of a district. Obviously, since the City Council has authorized proceeding with street light installations city-wide at City expense, this section is somewhat moot. Note that the language pertaining to objecting to street lights only pertains to establishment of a district and does not prevent an owner from voicing a general objection to street lights that might be installed by the City.

The sidewalk installation program has focused on individual locations, mainly based on requests or coordination with other projects. There are no plans to embark on sidewalk installations in the Kristmont area in the foreseeable future.

**FUNDING:** Not applicable.

  
Richard C. Prima, Jr.  
Public Works Director

  
Alan N. Vallow  
Electric Utility Director

Prepared by Mel Grandi, Manager, Electric Services, and Richard Prima, Public Works Director

ANV/MG/lst

Attachments

CITY COUNCIL

SUSAN HITCHCOCK,

Mayor

EMILY HOWARD

Mayor Pro Tempore

JOHN BECKMAN

LARRY D. HANSEN

KEITH LAND

# CITY OF LODI

## ELECTRIC UTILITY DEPARTMENT

ALAN N. VALLOW, DIRECTOR

1331 S HAM LANE

LODI, CALIFORNIA 95242-3995

(209) 333-6762

FAX (209) 339-6839

H. DIXON FLYNN

City Manager

RANDALL A. HAYS

City Attorney

SUSAN J. BLACKSTON

City Clerk

*Exhibit A*

August 27, 2003

Dear Residents,

This letter is to notify you that the City of Lodi has adopted a program to install streetlights on all unlit streets. Your street is scheduled to have streetlights installed in the near future.

The purpose of the street lighting system is to promote public safety at night by improving visibility; improve nighttime traffic flow by providing light beyond that provided by headlights; and to enhance police, fire and ambulance response capabilities.

For streets in your area with no sidewalks, namely Bella Vista Drive, Kirstmont Street, La Vida Drive and the portion of Cabrillo Circle west of Delmont Street, the streetlights will be installed adjacent to a property line and immediately behind the curb. However, to obtain the most effective lighting the streetlight may be installed in other locations such as near corners and locations where obstructions require moving the light to a more suitable position.

Please note, the City of Lodi, Public Works Department has a program to install sidewalks on streets where none exist in your area. If you elect to have the streetlights installed behind the future sidewalk location, you will need to contact or discuss this with an Electric Utility Department representative prior to construction. All streetlights installed behind the future sidewalk location will require a Public Utility Easement. A Public Utility Easement the size of three feet by four feet wide is required to accommodate the streetlight including installation of same.

If the design of the streetlight system calls for a streetlight on your property, you will or may already have been contacted by a City of Lodi, Electric Utility Department staff member to discuss the location.

Should you have any questions or comments regarding the installation of these streetlights, please contact John Simler at (209) 333-6800 extension 2833.

Sincerely,

John Simler  
Electrical Estimator

CITY COUNCIL

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Mayor

EMILY HOWARD

Mayor Pro Tempore

JOHN BECKMAN

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August 27, 2003

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Dear Residents,

This letter is to notify you that the City of Lodi has initiated a program to install streetlights on unlit streets. Your street is scheduled to have streetlights installed in the near future.

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In most cases the streetlights will be installed adjacent to a property line and immediately behind the sidewalk. However, in order to obtain the most effective lighting the streetlights may be installed in other locations such as near corners. An area the size of three foot by four foot (wide) is required to accommodate the streetlight including installation of same. Generally a portion of this area falls within the existing street right-of-way. In all cases the entire area needed for the streetlight must be covered by an easement or the street right-of-way or both.

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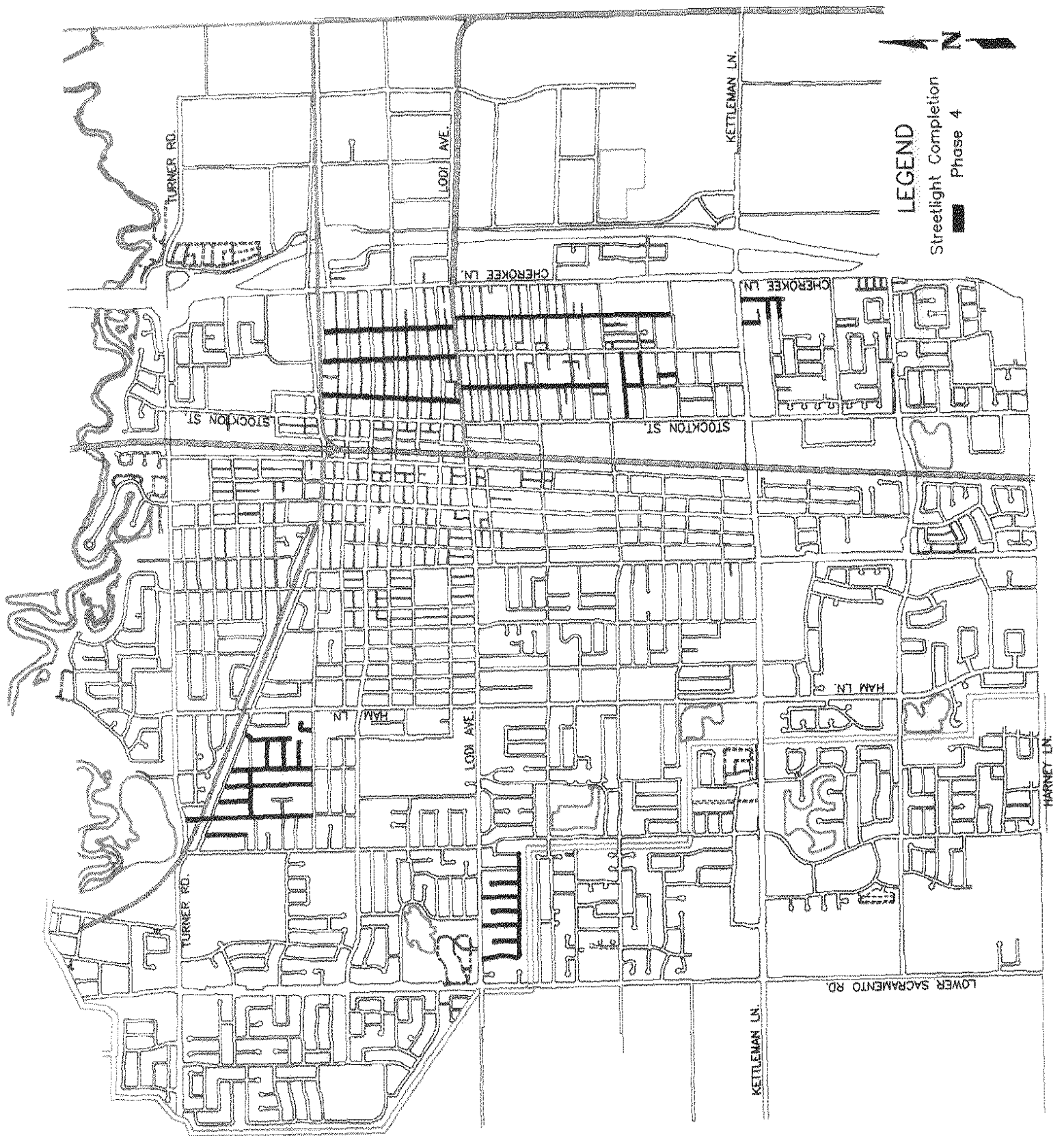
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Should you have any questions or comments regarding the installation of these streetlights, please contact John Simler at (209) 333-6800 extension 2833.

Sincerely,

John Simler  
Electrical Estimator

Exhibit C



**Kristmont Acres Deferral Agreements****October, 2003**

<u>Year</u>	<u>Address</u>	<u>Form/Comments</u>
1963	2372 Cabrillo Circle	Letter from owner agreeing to install sidewalk upon request; recorded; no mention of street lights.
1979	341 La Vida Drive	Cash deposit for sidewalk; no mention of street lights
1990	311 Kristmont Street	First "formal" agreement (i.e. signatures by both parties, recorded); covers sidewalk and streetlights; includes street light assessment district "waiver" language (see below)
1994	350 Bella Vista Drive	Essentially same as 1990 agreement
2001	2350 Cabrillo Circle	Essentially same as 1990 agreement
2003	341 Kristmont Street	Essentially same as 1990 agreement (signed by owner, but has not been to the City Council for approval)

**Street Light "Waiver" language:**

"Owner further agrees that at such time as the property described above is included in a proposed Street Light District petition, at the City's request, Owner shall support and join in such petition and hereby waives objection to the creation of such Street Light District."

01197498

AS:  
G/

4506  
4  
**Exhibit E**

2001 DEC -3 AM 10:25

SAN JOAQUIN COUNTY  
COMPANY SHOWN

RECEIVED

001 DEC 18 AM 11:19  
WHEN RECORDED, RETURN TO:  
City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

IMPROVEMENT DEFERRAL AGREEMENT  
2350 Cabrillo Circle, Lodi, California  
(APN 027-090-17)

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and SHARON J. BLAUFUS, hereinafter referred to as "Owner".

RECITALS:

Owner is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, known as 2350 Cabrillo Circle (APN 027-090-17) and described as follows:

Lot 7 as shown on the parcel map of Kristmont Acres, Unit No. 1, filed for record June 1, 1955, in Volume 14, at page 54 Book of Maps and Plats, San Joaquin County Records.

WHEREAS, Owner has submitted a building permit application (B5020) to remodel the existing dwelling on the subject property; and

WHEREAS, installation of public improvements consisting of sidewalks and street lights is required as a condition of permit issuance in accordance with existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code; and

WHEREAS, Owner is desirous of complying with existing City ordinances and policies regarding the installation of off-site improvements in conjunction with the above referenced building permit; and

WHEREAS, sidewalk and street light improvements have not been installed on the adjacent properties on Cabrillo Circle and Owner has requested that the required off-site improvements be deferred; and

WHEREAS, the Public Works Director has determined that it would be in the best interest of the City to have the off-site improvements installed at a later date; and

WHEREAS, Council of the City will approve the deferral of the required Cabrillo Circle improvements on condition that the Owner first enter into and execute this agreement with City.

NOW THEREFORE, in order to insure satisfactory performance by Owner of Owner's obligations under said City Code, the parties agree as follows:

1. Owner agrees that it is Owner's responsibility to pay for and complete the design and installation of sidewalks, in accordance with City standards, along the Cabrillo Drive frontage of the above referenced property at such a date as determined by the Public Works Director in the reasonable exercise of his discretion, based on such factors as related or adjacent development in the area, as determined by the City Council, or at the request of a substantial number of property owners. Should Owner fail to do so within 90 days after written notice is given by the City, the City is hereby authorized to complete the improvements for the account and the expense of Owner, and may file suit against Owner, its heirs, successors or assigns for the costs incurred, as well as for a reasonable sum to be allowed as and for the City's attorney fees incurred in connection with such litigation for the collection of the monies due or may file a lien against said property for the costs incurred.

2. Owner further agrees that at such time as the property described above is included in a proposed street light district petition, at the City's request, Owner shall support and join in such petition and hereby waives objection to the creation of such street light district.
3. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.
4. A copy of the Agreement shall be recorded in the office of the San Joaquin County Records, P. O. Box 1968, Stockton, California 95201-1968.
5. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

Richard C. Prima, Jr.  
Public Works Director  
City of Lodi  
P. O. Box 3006  
Lodi, CA 95240-1910

Notices required to be given to Owner shall be addressed as follows:

Sharon J. Blaufus  
2350 Cabrillo Circle  
Lodi, CA 95242

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: 9-28 2001

By: [Signature]  
H. Dixon Flynn, City Manager

Attest: [Signature]  
Susan J. Blackston, City Clerk

Dated: 9/18/01 2001

OWNER

[Signature]  
Sharon J. Blaufus

Approved as to form:

[Signature]  
Randall A. Hays, City Attorney

Dated: Sept. 24, 2001



RECEIVED

OCT 13 2003

City Clerk  
City of Lodi

ANN M. SCHROEDER  
2330 Cabrillo Circle  
Lodi, CA 95242-3310  
(209) 368-0137 • Fax (209) 368-0155

10/10/03

To: the Lodi City Council and staff members -

Re: Kristmont Acres

I, along with my fellow neighbors have been writing, calling, faxing, e-mailing and signing a petition to you to voice our strong objections to the proposed installation of street lights and sidewalks in our neighborhood.

We take great pride in living in this area. All of us have very adequate front and back lighting on our properties, we have alarm systems, an active neighbor<sup>hood</sup> watch and use the Taverner Program through the Police Department when necessary.

We would be delighted to have our neighborhood left as it is now, and moved ask that the funds allocated for this project be used in other areas of the City where such improvements would be needed and wanted.

Sincerely,

Ann M. Schroeder

RECEIVED

OCT 14 2003

City Clerk  
of Lodi

**I-2**

To Members of City Council,  
Please reconsider putting  
lights and sidewalks in our  
area. We have lived in our  
home for the past 40 yrs and  
have been perfectly happy in  
this safe and lamp lit area.

It would be best to put both  
in areas where homeowners have  
asked for them due to crime.  
We do not want them here  
in our area. PLEASE!

Joe & Marilyn Thorpe 2375 Cabrillo Cir.

CITY COUNCIL

SUSAN HITCHCOCK, Mayor

EMILY HOWARD

Mayor Pro Tempore

JOHN BECKMAN

LARRY HANSEN

KEITH LAND

# CITY OF LODI

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H. DIXON FLYNN  
City Manager

RANDALL A. HAYS  
City Attorney

SUSAN J. BLACKSTON  
City Clerk

Item 1-2  
10-15-03

October 10, 2003

KRISTMONT ACRES RESIDENT

**SUBJECT: Discussion Regarding Kristmont Acres Lighting and Sidewalk Issues**

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, October 15, 2003. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar and the public is given an opportunity to address items on the regular calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P.O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please contact Mel Grandi, Manager, Electric Services, at (209) 333-6764.

*Alan N. Vallow*

for  
Alan N. Vallow  
Electric Utility Director

ANV/lst

Enclosures

C: City Clerk  
Public Works Director  
Manager, Engineering and Operations



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion Regarding Kristmont Acres Lighting and Sidewalk Issues

**MEETING DATE:** October 15, 2003

**PREPARED BY:** Electric Utility Director and Public Works Director

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**RECOMMENDED ACTION:** That the City Council provide direction on Kristmont Acres lighting and sidewalk issues.

**BACKGROUND INFORMATION:** During the regular Lodi City Council meeting of October 1, 2003, numerous residents from the Kristmont Acres area of Lodi voiced concerns regarding the proposed installation of streetlights in their neighborhood. In response to their issues, the City Council instructed staff to provide the following overview of the City's streetlight installation process.

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**APPROVED:** \_\_\_\_\_

**H. Dixon Flynn -- City Manager**

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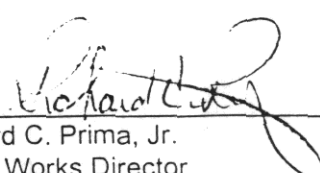
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Attachments

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H. DIXON FLYNN  
City Manager

RANDALL A. HAYS  
City Attorney

SUSAN J. BLACKSTON  
City Clerk

*Exhibit A*

August 27, 2003

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Sincerely,

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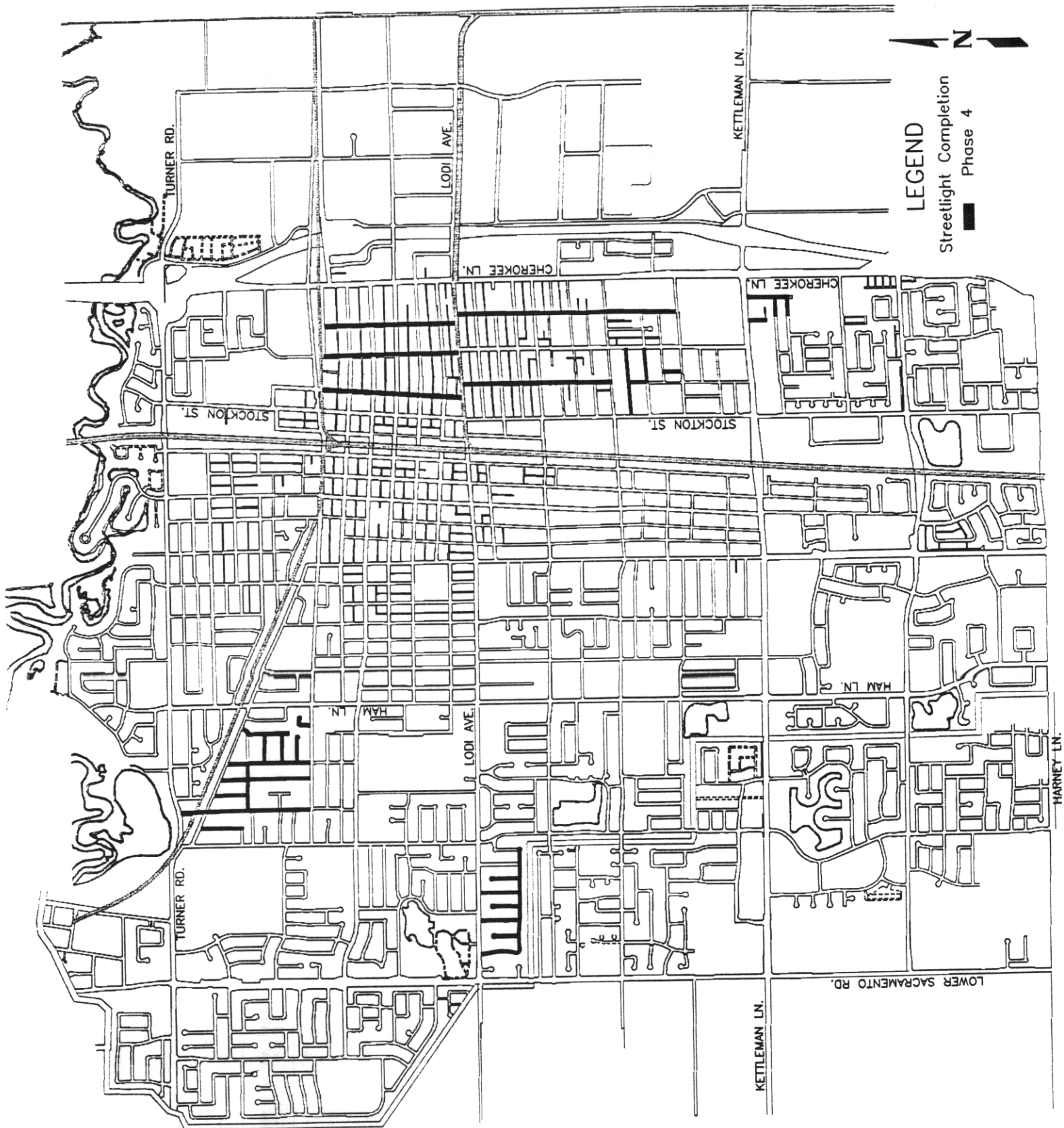
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4506

AS:  
G/

**Exhibit E**

4

2001 DEC -3 AM 10:25

SAN JOAQUIN COUNTY

COMPANY SHOWN

RECEIVED

2001 DEC 18 AM 11:19

CITY CLERK  
CITY OF LODI

WHEN RECORDED, RETURN TO:

City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

IMPROVEMENT DEFERRAL AGREEMENT

2350 Cabrillo Circle, Lodi, California  
(APN 027-090-17)

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and SHARON J. BLAUFUS, hereinafter referred to as "Owner".

RECITALS:

Owner is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, known as 2350 Cabrillo Circle (APN 027-090-17) and described as follows:

Lot 7 as shown on the parcel map of Kristmont Acres, Unit No. 1, filed for record June 1, 1955, in Volume 14, at page 54 Book of Maps and Plats, San Joaquin County Records.

WHEREAS, Owner has submitted a building permit application (B5020) to remodel the existing dwelling on the subject property; and

WHEREAS, installation of public improvements consisting of sidewalks and street lights is required as a condition of permit issuance in accordance with existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code; and

WHEREAS, Owner is desirous of complying with existing City ordinances and policies regarding the installation of off-site improvements in conjunction with the above referenced building permit; and

WHEREAS, sidewalk and street light improvements have not been installed on the adjacent properties on Cabrillo Circle and Owner has requested that the required off-site improvements be deferred; and

WHEREAS, the Public Works Director has determined that it would be in the best interest of the City to have the off-site improvements installed at a later date; and

WHEREAS, Council of the City will approve the deferral of the required Cabrillo Circle improvements on condition that the Owner first enter into and execute this agreement with City.

NOW THEREFORE, in order to insure satisfactory performance by Owner of Owner's obligations under said City Code, the parties agree as follows:

1. Owner agrees that it is Owner's responsibility to pay for and complete the design and installation of sidewalks, in accordance with City standards, along the Cabrillo Drive frontage of the above referenced property at such a date as determined by the Public Works Director in the reasonable exercise of his discretion, based on such factors as related or adjacent development in the area, as determined by the City Council, or at the request of a substantial number of property owners. Should Owner fail to do so within 90 days after written notice is given by the City, the City is hereby authorized to complete the improvements for the account and the expense of Owner, and may file suit against Owner, its heirs, successors or assigns for the costs incurred, as well as for a reasonable sum to be allowed as and for the City's attorney fees incurred in connection with such litigation for the collection of the monies due or may file a lien against said property for the costs incurred.

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x x x x

2. Owner further agrees that at such time as the property described above is included in a proposed street light district petition, at the City's request, Owner shall support and join in such petition and hereby waives objection to the creation of such street light district.
3. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.
4. A copy of the Agreement shall be recorded in the office of the San Joaquin County Records, P. O. Box 1968, Stockton, California 95201-1968.
5. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

Richard C. Prima, Jr.  
Public Works Director  
City of Lodi  
P. O. Box 3006  
Lodi, CA 95240-1910

Notices required to be given to Owner shall be addressed as follows:

Sharon J. Blaufus  
2350 Cabrillo Circle  
Lodi, CA 95242

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: 9-28 2001

By: [Signature]  
H. Dixon Flynn, City Manager

Attest: [Signature]  
Susan J. Blackston, City Clerk

OWNER

Dated: 9/18/01 2001

[Signature]  
Sharon J. Blaufus

Approved as to form:

[Signature]  
Randall A. Hays, City Attorney

Dated: Sept. 24, 2001